

WILLIAM A. MUNDELL  
CHAIRMAN  
JIM IRVIN  
COMMISSIONER  
MARC SPITZER  
COMMISSIONER



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BRIAN C. McNEIL  
EXECUTIVE SECRETARY

ARIZONA CORPORATION COMMISSION

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ARIZONA CORPORATION COMMISSION  
EXECUTIVE SECRETARY

DATE: JUNE 11, 2002

DOCKET NO: T-04070A-01-0975

TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judge Marc Stern.  
The recommendation has been filed in the form of an Order on:

TOLL CALL, INC.  
(CC&N/COPT)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and ten (10) copies of the exceptions with the Commission's Docket Control at the address listed below by 4:00 p.m. on or before:

JUNE 20, 2002

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Working Session and Open Meeting to be held on:

JUNE 25, 2002 and JUNE 26, 2002

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250.

Arizona Corporation Commission

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BRIAN C. McNEIL  
EXECUTIVE SECRETARY

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 WILLIAM A. MUNDELL  
CHAIRMAN

3 JIM IRVIN  
COMMISSIONER

4 MARC SPITZER  
COMMISSIONER

5  
6 IN THE MATTER OF THE APPLICATION OF  
TOLL CALL, INC. FOR A CERTIFICATE OF  
7 CONVENIENCE AND NECESSITY TO PROVIDE  
CUSTOMER-OWNED PAY TELEPHONE  
8 SERVICE IN THE STATE OF ARIZONA

DOCKET NO. T-04070A-01-0975

DECISION NO. \_\_\_\_\_

**ORDER**

9 Open Meeting  
June 25 and 26, 2002  
10 Phoenix, Arizona

11 **BY THE COMMISSION:**

12 Having considered the entire record herein and being fully advised in the premises, the  
13 Commission finds, concludes, and orders that:

14 **FINDINGS OF FACT**

15 1. On December 14, 2001, Toll Call, Inc. ("Applicant") filed with the Commission an  
16 application for a Certificate of Convenience and Necessity ("Certificate") to provide customer-owned  
17 pay telephone ("COPT") service in the State of Arizona.

18 2. In Decision No. 55817 (December 10, 1987), the Commission found that COPT  
19 providers were public service corporations subject to the jurisdiction of the Commission.

20 3. In Decision No. 57797 (April 8, 1992), the Commission adopted A.A.C. R14-2-901  
21 through R14-2-909 to regulate COPT providers.

22 4. Decision No. 58535 (February 14, 1994) adopted a Generic Tariff that establishes  
23 rates and minimum service standards applicable to COPT service.

24 5. Pursuant to A.R.S. § 40-282, the Commission may issue Decisions regarding COPT  
25 Certificates without a hearing.

26 6. Applicant has requested that a Certificate be granted and has indicated that it will  
27 provide COPT service pursuant to the rates, terms and conditions specified in the Generic COPT  
28 Tariff.

1 7. Applicant does not presently provide COPT services in Arizona.

2           8.       On April 2, 2002, the Commission's Utilities Division Staff ("Staff") filed a Staff  
3 Report, recommending approval of the application without a hearing.

4           9.       Staff stated that the Applicant has provided a copy of its customer information placard  
5 in compliance with the Generic Tariff.

6 10. Staff also stated that increased pay telephone availability is in the public interest.

7 CONCLUSIONS OF LAW

8           1.       Applicant is a public service corporation within the meaning of Article XV of the  
9       Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

10           2.     The Commission has jurisdiction over Applicant and the subject matter of the  
11 application.

12       3.     The provision of COPT service in Arizona by Applicant is in the public interest.

13           4.     Applicant is a fit and proper entity to receive a Certificate for providing COPT service  
14     in Arizona.

15           5.       Staff's recommendations in Findings of Fact No. 8 is reasonable and should be  
16   adopted.

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**ORDER**

IT IS THEREFORE ORDERED that the Application of Toll Call, Inc. for a Certificate of Convenience and Necessity for authority to provide customer-owned pay telephone service in Arizona shall be, and the same is, hereby granted.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this \_\_\_\_ day of \_\_\_\_\_, 2002.

BRIAN C. McNEIL  
EXECUTIVE SECRETARY

DISSENT  
MES:dap

SERVICE LIST FOR:

TOLL CALL, INC.

DOCKET NO.:

T-04070A-01-0975

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